



May 18, 2021

SUBMITTED ELECTRONICALLY

The Honorable Elizabeth Richter
Acting Administrator
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244

Re: Action Needed Before June 30 to Protect Access to Complex Rehabilitation Manual Wheelchair Accessories in Medicare

Dear Acting Administrator Richter:

On behalf of the undersigned members of the Independence Through Enhancement of Medicare and Medicaid (ITEM) Coalition, **we urge the Centers for Medicare and Medicaid Services (CMS) to make permanent the temporary suspension of adjusted payments for manual Complex Rehabilitation Technology (CRT) manual wheelchair accessories (components).**

This policy change would permanently exempt these components, used by people with disabilities and chronic conditions, from decreased prices tied to Medicare's Competitive Bidding Program (CBP). There is already consistency between the treatment of CRT power and manual wheelchair bases regarding competitive bidding – the policy change we request today would standardize the treatment for CRT power and manual wheelchair *accessories* as well.

The ITEM Coalition is a national consumer- and clinician-led coalition advocating for access to and coverage of assistive devices and technologies for persons with injuries, illnesses, disabilities, and chronic conditions, as well as the providers who serve them, including such conditions as multiple sclerosis, paralysis, spinal cord injury, cerebral palsy, brain injury, stroke, spina bifida, hearing, speech, and visual impairments, myositis, limb loss, and other life-altering conditions. Many of these individuals rely on CRT power and manual wheelchairs and accessories to live as independently as possible and function within their homes.

As you know, in 2017, CMS announced a policy clarification that the agency would not apply payment amounts derived from the competitive bidding program to CRT Group 3 *power* wheelchair accessories. This policy averted significant cuts that were scheduled to go into effect and avoided drastic reductions in access to this specialized mobility technology for Medicare beneficiaries with significant, long-term mobility impairments. The ITEM Coalition strongly supported this change and is grateful to CMS and to the Members of Congress that supported this action.

Unfortunately, this new rule was not extended to CRT *manual* wheelchairs, leaving a discrepancy between the treatment of these two categories of wheelchair accessories. In 2019,

Congress passed legislation¹ permanently excluding manual CRT wheelchair bases from the competitive bidding program (to match the treatment of power wheelchair bases) and instituting an 18-month suspension on applying competitively bid rates to CRT manual wheelchair accessories. This suspension is currently scheduled to expire on June 30, 2021.

Action by CMS is urgently needed to permanently help Medicare beneficiaries who are CRT manual wheelchair users (approximately 7% of all Medicare manual wheelchair users) to obtain medically necessary CRT accessories and components. These components are individualized, highly personalized mechanisms for CRT wheelchairs, providing medically necessary benefits to prevent complications from long-term wheelchair use, supporting the users' breathing function, and ensuring that the wheelchair is maximally tailored to the individual's needs. Individuals using CRT wheelchairs have significant disabilities, including spinal cord injury, paralysis, multiple sclerosis, ALS, and other serious conditions. Applying competitively bid rates for standardized, off-the-shelf accessories to these critical CRT components will adversely impact Medicare beneficiaries who utilize CRT manual wheelchairs and limit their access to these technologies.

To ensure that all CRT wheelchair users, both power and manual, have access to the components they need, we request that CMS permanently extend this temporary policy for CRT manual wheelchair accessories. This policy change is strongly supported by a wide range of consumer, clinician, and provider organizations, including the undersigned members of the ITEM Coalition, and we wish to emphasize the importance of protecting patient access to components used with both power *and* manual CRT wheelchairs.

Regardless of injury, illness, disability, or chronic condition, all Medicare beneficiaries with mobility impairments should be eligible for the same access to medically necessary mobility devices, services, and accessories. Anything less can have serious consequences for beneficiaries. **We urge you to permanently exempt accessories used with CRT manual wheelchairs from the reduced fee schedule rates tied to the Competitive Bidding Program before the June 30, 2021 deadline under CMS' current authority, consistent with the agency's action taken in 2017 with respect to CRT power wheelchair accessories.**

We greatly appreciate your attention to this important issue. Should you have any further questions regarding the information contained in our letter, please contact the ITEM Coalition Coordinators, Peter Thomas and Joe Nahra, at Peter.Thomas@PowersLaw.com and Joseph.Nahra@PowersLaw.com or call 202-466-6550.

Sincerely,

The Undersigned Members of the ITEM Coalition

ALS Association
Amputee Coalition

¹ H.R. 1865, the *Further Consolidated Appropriations Act*. P.L. 116-94.

Center for Medicare Advocacy
Christopher & Dana Reeve Foundation
Paralyzed Veterans of America
Spina Bifida Association
United Spinal Association

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